

2018-03601J / Court: 315

NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA

LATANDRA BROWN-TAYLOR 182-3
PATRICIA MANNING 182-3

CAUSE NO. _____

IN THE INTEREST OF

IN THE DISTRICT COURT OF

SKYLARR JEAN

HARRIS COUNTY, TEXAS

CHILD

____ JUDICIAL FAMILY/JUVENILE DISTRICT

**ORIGINAL PETITION FOR PROTECTION OF A CHILD FOR CONSERVATORSHIP,
AND FOR TERMINATION IN SUIT AFFECTING THE PARENT-CHILD
RELATIONSHIP**

This *Original Petition for Protection of a Child for Conservatorship, and for Termination in Suit Affecting the Parent-Child Relationship* is brought by the Department of Family and Protective Services ("the Department"), represented by the Office of Vince Ryan, Harris County Attorney, whose address is 1019 Congress, 15th Floor, Houston, Texas 77002-1700 for the purposes of § 30.015, Texas Civil Practice and Remedies Code. The Department has standing to bring this suit under §§ 102.003(5) and 262.001, Texas Family Code.

1. Discovery Level

Discovery in this case is intended to be conducted under Level 2, subject to the discovery limitations provided by Rule 190.3, unless modified by order pursuant to Rule 190.5, Texas Rules of Civil Procedure.

2. Jurisdiction

- 2.1. This Court has jurisdiction of the suit affecting the parent-child relationship and of the suit for protection of a child under Chapter 262, Texas Family Code, and Petitioner believes no other Court has continuing, exclusive jurisdiction over the child.
- 2.2. In accordance with § 155.101(a), Texas Family Code, the Department will request that the Vital Statistics Unit identify the court that last had continuing, exclusive jurisdiction, or confirm that the children have not been the subject of a suit resulting in a court of continuing jurisdiction.
- 2.3. Information required by Section § 152.209 of the Texas Family Code is provided in the affidavit attached to this petition. This Court has emergency and/or home state jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

3. **The Child:**

The following child is the subject of this suit:

Name: **SKYLARR JEAN**
Sex: **FEMALE**
Birth Date: **MAY 21, 2007**
Indian Status: **UNKNOWN**

4. **Parties to be Served**

4.1. The mother of the child the subject of this suit is:

Party: **TARA JENNINGS**
Date Of Birth: **OCTOBER 16, 1972**
Address: **UNKNOWN**

The location of the mother is unknown. The Department will request service of process when Respondent's address becomes known.

4.2. The alleged father of the child, **SKYLARR JEAN**, is

Party: **PASQUIT JEAN**
Date Of Birth: **JANUARY 1, 1972**
Address: **UNKNOWN**

The location of the father is unknown. The Department will make a diligent effort to locate him, request a search of the paternity registry and request service of process if Respondent's address becomes known.

PASQUIT JEAN is not a resident of Texas but is entitled to citation.

4.2.1. **PASQUIT JEAN** has submitted, or will submit to the jurisdiction of Texas by consent, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

4.3. The name and location of the father of **SKYLARR JEAN** is:

Party: **UNKNOWN**
Date of Birth: **UNKNOWN**
Address: **UNKNOWN**

The Department will make a diligent effort to locate him, request a search of the paternity registry and request service of process if Respondent's address becomes known.

4.4. To the best of the Department's knowledge, there are no Court-ordered conservatorship, guardianships, or other court-ordered relationships that affect the child the subject of this suit.

4.5. The Attorney General's office will be served by mail under Rule 21a, Texas Rules of Civil Procedure. at P.O. Box 12017, Austin, Texas 78711-2017, pursuant to § 102.009(d), Texas Family Code.

5. Information on Protective Orders

5.1. To the best of the Department's knowledge, there are no protective orders in effect or applications pending, as described in Texas Family Code §102.008(b)(11), in regard to a party to the suit or a child of a party to the suit.

6. Interstate Compact on the Placement of Children

A verified statement of compliance with Subchapter B, Chapter 162, Texas Family Code, as required by § 162.002, Texas Family Code is attached to this petition.

7. Property Owned by the Child

No property of consequence is owned or possessed by the child the subject of this suit.

8. Reasonable Efforts to Reunify Family

8.1. The Department made reasonable efforts, consistent with time and circumstances prior to the child's removal and prior to the placement of the child in foster care, to prevent or eliminate the need for removal of the child and the Department has made reasonable efforts to make it possible for the child to return home.

9. Request for Emergency Orders

9.1. On July 3, 2018, the child the subject of this suit was taken into the possession of the Department in compliance with § 262.104, Texas Family Code.

9.2. The Department has attached to this Petition an affidavit setting out the facts of this case.

9.3. The continuation of the child in the home would be contrary to the child's welfare and reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for removal of the child.

10. Temporary Managing Conservatorship

The Department requests that the court immediately, without notice or an adversary hearing, appoint the Department as temporary sole managing conservator of the child as provided in Chapter 262 and §105.001(a)(1) and (h), Texas Family Code.

11. Required Information

- 11.1. The Department requests that each Parent, Alleged Father or Relative of the child before the Court provide the full name and current address or whereabouts and phone number of any absent parent of the child the subject of this suit pursuant to Rule 194, Texas Rules of Civil Procedure and §262.201, Texas Family Code.
- 11.2. The Department requests that each Parent, Alleged Father or Relative of the child before the Court submit the Child Placement Resources Form provided under §261.307, if the form has not previously been provided within three days of the signing of this order and provide the Department and the Court the full name and current address or whereabouts and phone number of any and all relatives of the child the subject of this suit with whom the Department may place the child during the pendency of this suit, pursuant to Rule 197, Texas Rules of Civil Procedure, and §262.201, Texas Family Code.
- 11.3. The Department requests that each parent of the child the subject of this suit furnish information sufficient to accurately identify that parent's net resources and ability to pay child support along with copies of income tax returns for the past two years, any financial statements, bank statements, and current pay stubs, pursuant to Rule 196, Texas Rules of Civil Procedure, and §154.063, Texas Family Code.
- 11.4. The Department requests that each parent of the child the subject of this suit provide to the Department and the Court evidence of health insurance available for the child, pursuant to Rule 196, Texas Rules of Civil Procedure, and §154.182, Texas Family Code.
 - 11.4.1. Further that if private health insurance is in effect, the Department requests that each parent provide the identity of the insurance company, the policy number, which parent is responsible for the payment of any insurance premium, whether the coverage is provided through a parent's employment, and the cost of such premium.
 - 11.4.2. If private health insurance is not in effect, the Department requests that each parent provide information on whether the child is receiving medical assistance under chapter 32 Human Resource Code; or the child is receiving health benefits coverage under the state child health plan under chapter 62, Health and Safety Code and the cost of any premium or if either parent has access to private health insurance at reasonable cost to the parent.
- 11.5. The Department requests that each Respondent provide the Department and the Court information sufficient to establish the parentage and immigration status of the child, including but not limited to marriage records, birth or death certificates, baptismal records, Social Security cards, records of lawful permanent residence ("green cards"), naturalization certificates, or any other record from the United States Citizenship and Immigration Services and records of Indian ancestry or tribal membership.

- 11.6. The Department requests that each Respondent furnish to the Department all information necessary to ensure the Department has an adequate medical history for the child, including but not limited to immunization records and the names and addresses of all treating physicians. The Department requests the Court order each parent to provide information regarding the medical history of the parent and parent's ancestors on the medical history report form, pursuant to §161.2021, Texas Family Code within three days of the signing of the order.
- 11.7. The Department requests that each parent of the child provide any information regarding whether the child has Native American heritage and identify any Native American tribe with which the child may be associated and provide all available family history information relevant to determination of Indian child status on request.
- 11.8. The Department requests that, at the full adversary hearing in this cause, the Court order the Respondents to execute an authorization for the release of Respondents, and the child's (if needed) past, current or future medical and mental health records to the Department from all physicians, psychologists, or other health care professionals, who have treated Respondents or their child, which information the Department shall be authorized to share with all other groups or persons it deems necessary; and to further provide the Department with a list of the names and addresses of all physicians, psychologists, or other healthcare providers who have treated Respondents or the child.
- 11.9. The Department requests that the Court shorten the time for response to written discovery as authorized by Rule 191.1 and Rule 193.1, Texas Rules of Civil Procedure, and order each parent to file the documents or provide the answers to the Department's attorney no later than the date of the full adversary hearing in this case.

12. Determination of Parentage: PASQUIT JEAN

If it is alleged that **PASQUIT JEAN** is not the father of **SKYLARR JEAN**.

- 12.1. The Department requests the Court to determine whether **PASQUIT JEAN** is the father of **SKYLARR JEAN**, pursuant to Chapter 160, Texas Family Code.
- 12.2. If the allegation of parentage is admitted, the Court should waive genetic testing and enter temporary orders, including orders for temporary support of the child pursuant to §160.624, Texas Family Code.
- 12.3. If **PASQUIT JEAN** appears and any party denies paternity, the Court should immediately order the alleged father, and the child to submit to genetic testing pursuant to §160.502 Texas Family Code.
- 12.4. If **PASQUIT JEAN** fails to appear and wholly defaults the Department requests the Court to terminate the parent-child relationship between **PASQUIT JEAN** and **SKYLARR JEAN**, pursuant to §161.002(b)(1), Texas Family Code

- 12.5. **PASQUIT JEAN**, on final hearing, if adjudicated to be the father, should be ordered to pay retroactive support pursuant to §154.009, Texas Family Code from the birth of the child.
- 12.6. If any party denies the presumption that a man presumed to be the father of the child is in fact the biological father of the child subject of this suit, the Department requests that the Court order genetic testing and pretrial proceedings as provided by Chapter 160, Texas Family Code, if such testing is permitted by that chapter.

13. Request for Temporary Orders at Full Adversary Hearing

At the full adversary hearing under §262.201 or §262.205, Texas Family Code, the Court should render temporary orders under §105.001, Texas Family Code, to include but not be limited to:

- 13.1. a provision appointing the Department temporary sole managing conservator of the child, with all of the rights and duties listed in §153.371, Texas Family Code, pending the final disposition of this suit;
 - 13.1.1. a provision authorizing the Department or its employee or designee to consent to medical care of the subject child, pursuant to §266.004, Texas Family Code;
- 13.2. a provision pursuant to §154.001(b), Texas Family Code, ordering the parents of the child to make payments for the temporary support of the child, pending final disposition of this suit, these child support payments to be withheld from their disposable earnings;
- 13.3. a provision that any child support ordered to be paid for the support of the child **SKYLARR JEAN** as a result of any prior court order be ordered to be redirected and paid to the Texas Department of Family and Protective Services.
- 13.4. a provision restricting the parents' possession and access to the child the subject of this suit;
- 13.5. a provision ordering the parents of the child to submit to the Department the Child Placement Resources Form required under §261.307, Texas Family Code;
- 13.6. a provision ordering the parents of the child to submit to a family assessment to be conducted by the Children's Crisis Care Center and further that such assessments shall be shared with all other groups or persons, including the Permanency Planning Team, as deemed necessary by the Department;
- 13.7. a provision ordering the parents of the child to submit to psychological examinations;
- 13.8. a provision ordering the parents of the child to attend counseling sessions to address the specific issues that led to the removal of the child from the home and to attend

counseling sessions to address any additional issues arising from the psychological examinations or from the counseling sessions;

- 13.9. a provision ordering the parents of the child to attend parenting classes as requested by the Department;
- 13.10. a provision ordering the Respondents to submit to a drug and alcohol assessment and to complete a substance abuse treatment program if needed;
- 13.11. a provision ordering the parents of the child to comply with each requirement set out in the Department's original, or any amended, service plan during the pendency of this suit, as provided by §263.106, Texas Family Code;
- 13.12. a provision ordering the Respondents to provide the Court and the Department with a current residence address and telephone number at which each can be contacted;
- 13.13. a provision ordering the Respondents to notify the Court and the Department of any change in his or her residence address or telephone number within five (5) days of a change of address or telephone number.

14. Permanent Conservatorship and Support of the child

14.1. Conservatorship

- 14.1.1. Pursuant to §§153.005 and 263.404, Texas Family Code, if the child cannot safely be reunified with either parent, but may be permanently placed with a relative or other suitable person, the Department requests that the Court appoint the person as sole managing conservator of the child. If the child cannot safely be reunified with either parent or permanently placed with a relative or other suitable person, the Department requests that the Court appoint the Department as permanent sole managing conservator of the child.

As grounds for appointment of the Department, or relative, or other suitable person as Managing Conservator, the Department alleges pursuant to §153.131 of the Texas Family Code that the appointment of the parent or parents would not be in the best interest of the child because the appointment of the parent or parents would significantly impair the child's physical health or emotional development.

Pursuant to §153.191, Texas Family Code, the appointment of a parent as permanent possessory conservator of the child is not in the best interest of child and parental possession or access would endanger the physical or emotional welfare of the child.

- 14.1.2. If conservatorship is awarded under this paragraph, the application of the guidelines for possession and access to the child, as set out in §§153.311, *et seq.*, Texas Family Code, would not be in the child's best interest. The parents of the child, as possessory conservators of the

child, should have limited access to and possession of the child, under conditions and restrictions prescribed by the court for the best interests of the child.

14.2. Support

- 14.2.1. Each parent should be ordered to make payments for the support of the child in accordance with §154.001(b), Texas Family Code, including retroactive support if appropriate, determined pursuant to §154.131, Texas Family Code, and in a manner specified by the Court under Chapter 154, Texas Family Code. The payments for the support of the child should survive the death of either parent and become the obligation of the deceased Parent's estate.
- 14.2.2. Each parent should be ordered to provide health insurance for the child in accordance with §§154.182 and 154.183, Texas Family Code.
- 14.2.3. If any parent is found to be in arrears in child support or medical support payments ordered in this or in any other action, a judgment for enforcement of said arrearage should be issued against that parent pursuant to §§157.261, 158.003 and 158.004, Texas Family Code.

15. Termination of TARA JENNINGS'S Parental Rights

If reunification with the mother cannot be achieved, the Court should terminate the parent-child relationship between **TARA JENNINGS** and the child, **SKYLARR JEAN**, the subject of this suit under Chapter 161, Texas Family Code, because termination of the parent-child relationship is in the child's best interest and **TARA JENNINGS** has committed one or more of the following acts or omissions:

- 15.1. knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child, pursuant to §161.001(b)(1)(D), Texas Family Code;
- 15.2. engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child, pursuant to §161.001(b)(1)(E), Texas Family Code;
- 15.3. constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services or an authorized agency for not less than six months and: (1) the Department or authorized agency has made reasonable efforts to return the child to the mother; (2) the mother has not regularly visited or maintained significant contact with the child; and (3) the mother has demonstrated an inability to provide the child with a safe environment, pursuant to §161.001(b)(1)(N), Texas Family Code;
- 15.4. failed to comply with the provisions of a court order that specifically established the actions necessary for the mother to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of

Family and Protective Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child, pursuant to §161.001(b)(1)(O), Texas Family Code;

- 15.5. The Court should terminate the parent-child relationship between **TARA JENNINGS** and the child the subject of this suit under §161.003, Texas Family Code because **TARA JENNINGS** has a mental or emotional illness or a mental deficiency that renders the mother unable to provide for the physical, emotional, and mental needs of the child and (1) the illness or deficiency, in all reasonable probability, and will continue to render the mother unable to provide for the child's needs until the 18th birthday of the child and (2) the Department has been the temporary or permanent managing conservator of the child for the six months preceding the date of the termination hearing pursuant to §161.003, Texas Family Code.

16. Termination of PASQUIT JEAN'S Parental Rights

If reunification with the father cannot be achieved, the Department requests that the Court terminate the parent-child relationship, if any exists, between **PASQUIT JEAN**, the alleged father, and **SKYLARR JEAN**, a child the subject of this suit, under §161.002, Texas Family Code, if any of the following is shown:

- 16.1. After being served with citation, he has not responded by timely filing an admission of paternity or a counterclaim for paternity under Chapter 160;
- 16.2. If the child is over one year of age at the time the petition for termination of the parent-child relationship or for adoption is filed and he has not registered with the paternity registry under Chapter 160, Texas Family Code, and after the exercise of due diligence by the petitioner, his identity and location are Unknown, or his identity is known but he cannot be located; or
- 16.3. He has registered with the paternity registry under Chapter 160, Texas Family Code, but the Department's attempt to personally serve citation at the address provided to the registry and at any other address for the alleged father known by the Department has been unsuccessful, despite the due diligence of the Department.

If the court finds that the parent-child relationship does exist, the Court should terminate the parent-child relationship between **PASQUIT JEAN** and the child, **SKYLARR JEAN**, under Chapter 161, Texas Family Code, because termination of the parent-child relationship is in the child's best interest and **PASQUIT JEAN** has committed one or more of the following acts or omissions:

- 16.4. voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months, pursuant to §161.001(b)(1)(C), Texas Family Code;
- 16.5. knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child, pursuant to §161.001(b)(1)(D), Texas Family Code;

- 16.6. engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child, pursuant to §161.001(b)(1)(E), Texas Family Code;
- 16.7. failed to support the child in accordance with the father's ability during a period of one year ending within six months of the date of the filing of the petition, pursuant to §161.001(b)(1)(F), Texas Family Code;
- 16.8. voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since the birth, pursuant to §161.001(b)(1)(H), Texas Family Code;
- 16.9. constructively abandoned the child who child been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services or an authorized agency for not less than six months and: (1) the Department or authorized agency has made reasonable efforts to return the child to the father; (2) the father has not regularly visited or maintained significant contact with the child; and (3) the father has demonstrated an inability to provide the child with a safe environment, pursuant to §161.001(b)(1)(N), Texas Family Code;
- 16.10. failed to comply with the provisions of a court order that specifically established the actions necessary for the father to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child, pursuant to §161.001(b)(1)(O), Texas Family Code.

17. Termination of UNKNOWN FATHER'S Parental Rights

The Department requests that the Court terminate the parent-child relationship between the **UNKNOWN FATHER** and **SKYLARR JEAN**, a child the subject of this suit, under §161.002, Texas Family Code, if any of the following is shown:

- 17.1. After being served with citation, he has not responded by timely filing an admission of paternity or a counterclaim for paternity under Chapter 160, prior to the final hearing in this suit;
- 17.2. If the child is over one year of age at the time the petition for termination of the parent-child relationship or for adoption is filed and he has not registered with the paternity registry under Chapter 160, Texas Family Code, and after the exercise of due diligence by the petitioner, his identity and location are unknown, or his identity is known but he cannot be located; or
- 17.3. He has registered with the paternity registry under Chapter 160, Texas Family Code, but the Department's attempt to personally serve citation at the address

provided to the registry and at any other address for the alleged father known by the Department has been unsuccessful, despite the due diligence of the Department.

18. Attorney Ad Litem and Guardian Ad Litem for the child

- 18.1. The immediate appointment of an attorney *ad litem* for the child is required by §107.012, Texas Family Code.
- 18.2. The immediate appointment of a guardian *ad litem* to represent the interests of the child is required by §107.011, Texas Family Code.
- 18.3. Petitioner would show the Court that the Department possesses information which may be essential to the work of the attorney *ad litem* and guardian *ad litem*, but which cannot be provided, except by direction of this Court, without the editing required by §261.201(g), Texas Family Code. Resource limitations will result in substantial delay in providing the information if the editing must be done before release. The release of all files, reports, records, communications and working papers used or developed in the investigation or in the providing of services to the child the subject of this suit to the attorney *ad litem* and guardian *ad litem* is in the best interests of the child, is essential to the administration of justice, and is not likely to endanger the life or safety of any person. If the Court determines that release of the information to the attorney *ad litem* and guardian *ad litem*, as officers of the Court, without editing should be made, the Department requests that appropriate orders be made to prevent further disclosure of the information.

**19. Attorneys for Parents and Respondents;
Payment of Attorney Ad Litem Fees and Expenses**

19.1. Indigent Parent

If a parent responds in opposition to this suit and appears without attorney, the Department requests that the Court determine whether the parent is indigent. If the Court determines that the parent is indigent, the appointment of an attorney *ad litem* to represent the interests of that parent is required by §107.013, Texas Family Code. The Court may appoint one attorney to represent both indigent parents if the parents' interests are not in conflict.

19.2. Parent with Mental or Emotional Illness or Deficiency

If termination of parental rights is sought due to the inability of a parent to provide for the physical, emotional, and mental needs of the child due to mental or emotional illness or deficiency of the parent, the appointment of any attorney *ad litem* to represent the parent is required by §161.003(b), Texas family Code.

19.3. Other Parents Entitled to Appointment of Attorney Ad Litem

If a parent is served with citation by publication or service is not required pursuant to §161.002(c) or (d), Texas Family Code, the appointment of an attorney *ad litem* for the absent parent is required by §107.013, Texas Family Code.

19.4. Payment of Fees for Attorneys Ad Litem

The Department requests that attorney's fees for any attorney *ad litem* be assessed and paid in accordance with §107.015, Texas Family Code.

20. Statutory Warning to Parents

The Department requests that the Court inform each parent in open court as required by §§262.201(c), 262.205(c)(2) and 263.006, Texas Family Code, at the adversary hearing, at the status hearing, and at each subsequent permanency hearing that parental and custodial rights and duties may be subject to restriction or to termination unless the parent or parents are willing and able to provide the child with a safe environment.

21. Prayer

- 21.1. The Department prays that citation and notice issue as required by law, and that the Court enter temporary and final orders in accordance with the allegations of this petition.
- 21.2. The Department prays that the Court immediately grant emergency orders in conformity with the allegations of this petition.
- 21.3. The Department prays for attorney's fees, expenses, and costs.
- 21.4. The Department prays for general relief.

Respectfully Submitted,
Vince Ryan
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LATANDRA BROWN-TAYLOR 182-3
PATRICIA MANNING 182-3

CAUSE NO. _____

IN THE INTEREST OF

IN THE DISTRICT COURT OF

SKYLARR JEAN

HARRIS COUNTY, TEXAS

CHILD

____ JUDICIAL FAMILY/JUVENILE DISTRICT

AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, personally appeared **LATANDRA BROWN-TAYLOR**, who was sworn by me and deposed as follows:

"My name is **LATANDRA BROWN-TAYLOR**. I am of sound mind and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

1. **Information to be Submitted to the Court Pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act**

"The present placement of **SKYLARR JEAN** the subject of this suit is: **RELATIVE'S HOME**

At this time, all the places where the child has lived during the last five years and all the names and present addresses of the persons with whom the child has lived during the period are currently not reasonably ascertainable. The Department will continue their investigation and attempt to discover the information.

To the best of my knowledge, the Department:

Has not participated in any capacity in any other litigation concerning the custody of the child in this or any other state;

Does not have information of any proceeding concerning the child pending in a court of this or any other state;

Does not know of any person not a party to the proceedings who has physical custody of the child or who claims to have custody or visitation rights with respect to the child."

2. Interstate Compact on the Placement of Children

"At the time of the filing of this petition, an interstate placement is not planned, but the Department of Family and Protective Services will comply with all requirements of the Interstate Compact on the Placement of Children as set forth in Chapter 162, Subchapter B, Texas Family Code.

3. Facts Necessitating Removal of the Child

"I have made reasonable efforts under the circumstances to prevent removal of the child but considering the immediate needs to protect the child, removal of the child is necessary."

Present Referral/ Allegations

On June 18, 2018, The Texas Department of Family and Protective Services ("DFPS") received a referral regarding Skylarr Jean, age 11 year old and her mother, Tara Jennings. It was alleged that the mother had severe mental health issues that placed the child in danger while the mother was caring for the child. This referral was in Tarrant County, Texas. It was alleged that the mother was diagnosed with bipolar disorder. However, it was also reported that the mother may have even more serious health problems because it was reported she talks to herself, has history of paranoid thoughts, and delusional thoughts upon which the mother acts. Previously the mother purportedly tried to remove demons from the child's throat by choking her and biting the child on the head. It was reported that the mother allegedly fled with the child to Harris County, Texas. Otherwise, the mother and child's whereabouts were unknown.

Ms. Jennings actually moved in with maternal Aunt Pam Gills on June 19, 2018 in Mesquite, Dallas County, Texas. It was again reported that Ms. Jennings had mental health issues and had been in a mental hospital prior to moving in with her sister, Ms. Gills. Ms. Gills began to observe Ms. Jennings having bizarre behaviors. Ms. Jennings would be observed to be awake in the middle of the night talking to herself, arguing with people who were not there, cursing at people not there, staring off into the distance, and would display paranoid thinking, indicating that someone was spying on her or taking pictures of her.

Previously on April 23, 2018 Mr. Gills was able to obtain a mental health warrant for Ms. Jennings to be hospitalized in a mental hospital. Ms. Jennings was able to get Skylarr back after being discharged from mental hospital. Ms. Jennings and the child then stayed in Ms. Gills' home starting on June 05, 2018. Skylarr has told maternal uncle Patrick Gills about things that Ms. Jennings has done to her and brother. Skylar said that in the past Ms. Jennings would pinch her, bite her on her head, and stuck her hand down her throat to pull out demons. When Ms. Jennings did that to Skylarr it caused her to cough up blood. Skylarr has told Mr. Gills over the past week that Ms. Jennings is not well. Ms. Jennings was also observed staring off into the distance smiling, while driving with Skylar in the vehicle and just stopped the car abruptly for no apparent reason. This was after Ms. Jennings took off with the child in another relative's vehicle without permission or previous knowledge of the relative. On another occasion, Ms. Jennings stopped the car on the side

of a freeway and got out, saying that she needed some sun rays. Skylarr has been asking over the past several days if Mr. Gills has called DFPS yet.

Mr. Gills left the home to take his wife, Ms. Anderson to work. Skylarr began crying out loud and Skylarr's loud cries woke up her cousin Nzinga. She then tried to console Skylarr. Ms. Jennings began yelling and cursing at her, saying "Get the fuck out of the room and leave Skylarr alone." Nzinga then contacted Mr. Gills, and Ms. Anderson immediately returned to the home. Ms. Jennings became aggressive with Mr. Gills and picked up a vase and held it as if she was going to strike him with the vase. Skylarr's behavior was described as fearful of Ms. Jennings. Ms. Jennings left Mr. Gills' home and took Skylarr with her. Ms. Jennings appeared to be having a mental breakdown, and it was believed that Skylarr was in danger.

The DFPS received a second referral, on June 19, 2018. The manager of the Academy Kids Daycare, in Houston, Harris County, who contacted law enforcement, stated that she was concerned about Skylarr. Skylarr and her younger brother Dennis Jr. Jennings used to attend the daycare, and Skylarr came in, asking if Dennis Jr. was there. This was puzzling because both mother, Tara Jennings and Skylarr know that the younger child's father, Dennis Sr. took Dennis Jr. to Mississippi due to Ms. Jennings filing a child custody report. Ms. Jennings was seen outside, waiting in the car. Skylarr reported that Ms. Jennings was "basically talking to herself" and was seen by others "slightly banging her head against the steering wheel."

Skylarr made an outcry that Ms. Jennings "put her hands around her neck." It is also not clear if Skylarr stated that Dennis Jr. got hit on the leg. No injuries were seen around her neck. Skylarr also shared that if Ms. Jennings found out that Skylarr had told anyone about this, Ms. Jennings "was going to possibly kill her with a vase."

The manager of the daycare, Ms. Yniska Lemon, previously stated that in April 2018 Skylarr came in to the daycare with a bruise to her right, upper forehead and "a couple of black eyes." Skylarr did not say what happened and Ms. Lemon did not ask. Ms. Lemon indicated that she had tried to anonymously make a DFPS report on line, but it was not successful. Ms. Lemon did not indicate why she did not then call the abuse or neglect phone hotline or call law enforcement.

Ms. Lemon expressed concerns regarding Ms. Jennings' mental health, stating that even though Skylarr had stopped attending the daycare, she and Ms. Jennings would still periodically come in, asking to pick up Dennis Jr. from the daycare.

On, June 28, 2018, DFPS received a third referral stating that there are concerns that Ms. Jennings has untreated mental health problems. Law enforcement was contacted because Skylarr refused to go home the daycare. Skylarr reported that Ms. Jennings is talking to herself and kept up her all night. The house alarm would go off throughout the night, and Ms. Jennings would state "the police are coming to get us". Skylarr was fearful to go home. Skylarr was observed screaming and could be heard from over one-hundred feet away. There was no physical abuse reported.

Ms. Jennings was interviewed by deputies of the Harris County Sheriff's Office. At the time, Ms. Jennings spoke clearly and calmly. Ms. Jennings appeared to be coherent. There were no signs of mental health concerns observed by the deputies at the time of the interview. There were injuries observed on the child Skylarr.

The mother and child were unable to be located by DFPS from June 18, 2018 to July 3, 2018. The mother and child were located at the residence of a daycare worker's home in Harris County, Texas. DFPS took custody of the child with assistance of Harris County Sheriff's deputies. The mother will not consent to the placement and would not accept notice of removal papers from DFPS or fill out a DFPS child care resource form. The child is presently placed by DFPs with a maternal uncle.

Summary Conclusion

DFPS that there was an immediate danger to the physical health and safety of the child. DFPS asserts that continuation of child in the custody of the mother would be contrary to the child's welfare. DFPS asserts that there is no time consistent with the physical health or safety of the child for a full adversary hearing under Section 262.201, et seq., Texas Family Code. DFPS further asserts that reasonable efforts consistent with the circumstances and providing for the safety of the child were made to prevent or eliminate the need for removal of the child. On this basis, DFPs is requesting emergency temporary managing conservatorship of the child Skylarr Jean.

Family Structure

Tara Jennings, Mother, date of Birth October 16, 1972.

Pasquit Jean, alleged and/or presumed father, date of birth unknown. Address unknown. During the course of the investigation, DFPS was told that there may be a child support order obligating Mr. Jean to pay child support for Skylarr to Ms. Jennings. DFPS was told that the obligation may be as a result of a court order in either the State of Mississippi or the State of Georgia. DFPS was not able to find such an order and has no other information on this subject at this time.

Skylar Jean, is the child the subject of this suit. Her date of birth is May 21, 2007.

Investigation

On June 18, 2018 a telephone call was made to Yniska Lemon, Day Care Director at 504-518-0085 by investigative caseworker, Dee Hull. Ms. Lemon stated Skylar and her younger brother (Dennis), stopped coming to the daycare in March 2018. Skylar came into the daycare three weeks ago. Her mother brought her. Skylar appeared to have two black eyes and have a bruise on her forehead. Skylar came into the daycare looking for her brother. Yniska told Skylar that she knew that she and her brother stopped coming to the daycare in March. Skylar then said I'm doing what my mother asked me to do. She stated that she was scared and that her mother was beating her. She then walked away and left the daycare. Yesterday, Tara came to the daycare and was asking where her children were.

Yniska asked Tara if she was okay and she stated that she got into a car accident and just came back from Fort Worth and was looking for her children. She then said that Dennis' father took her son Dennis to Mississippi and Skylar was with her sister.

On June 18, 2018, DFPS caseworker Dee Hull attempted a face to face meeting with Tara Jennings and Skylar Jean at 200 Hollow Tree Lane #1105, Houston, Texas. 77090. The investigative worker, Dee W. Hull, went to the residence at 200 Hollow Tree Lane #1105 Houston, TX. 77090. No one was home at the residence. He knocked on the neighbor's door #1107. A man by the name of German (346-219-4520) answered the door. He stated that he has resided at the residence for six months. He has never seen any adults at the apartment, however; he has seen a young boy run in and out of the apartment. The last time he saw the young boy was three weeks ago. Caseworker Hull attempted contact at that address due to law enforcement obtaining that address from daycare.

I Caseworker LaTandra Taylor Brown resumed the investigation on June 20, 2018. I attempted face to face contact with Tara Jennings at her last known address of residence, 200 Hollow Tree Lane #1105 Houston, TX. 77090. There was no answer at the door.

I then spoke with Liz Zamudio, assistant leasing manager at Rock Creek at Hollow Tree Apartments. Ms. Zamudio stated that Ms. Jennings was evicted on June 16, 2018 from the complex. Ms. Zamudio stated that Ms. Jennings did make a lot of complaints about her apartment. Ms. Zamudio then stated that Ms. Jennings made complaints about mold in the apartment, and when the leasing office sent contractors to address the mold that Ms. Jennings would not allow the contractors to do so. Ms. Zamudio stated she does not have any forwarding information for Ms. Jennings.

I then reached Tara Jennings, by telephone. I explained my role with DFPS to Ms. Jennings. I explained that she had an open DFPS investigation and that I needed to speak with her and see her child. She stated that she no longer resides on Hollow Tree. I then asked her where she was so I could meet with her. She stated that she was at a Walgreens in Houston. I asked if she wanted to meet with me at my office, and she said she did not. She then stated that she could meet me at a McDonald's on Barker Cypress. When I asked her what time and which location. Her response was ask me what time it was. I asked her again what time would I be able to meet with her at the McDonald's, and she would not give me a time or which location on Barker Cypress. Ms. Jennings then asked me what the report was about and who the reporter was. I explained to her that I could not give her the name of the reporter, and that we could not discuss the allegations over the phone. She then stated that she was not going to talk to me about anything. She then asked about a report that she made two weeks ago in attempt to find out where her son was located. I then explained to her that this was a new DFPS investigations with new allegations and that I needed to speak with her in person. She then stated that she was not being uncooperative, but she still needed to know who the reporter was and what the report stated. She then stated that she was going to sue DFPS as well as the reporter. I continued to attempt to get her to meet with me or give me an exact location of the McDonald's, since there is more than one on McDonald's on Barker Cypress, asking for a time that we could

meet, but she refused. I then explained to her that I would have to take the next necessary steps. She then told me to do what I have to do.

On June 21, 2018 I requested that Skylarr be placed on the CSCAL. That is a system on line that notifies law enforcement to be on the lookout for the child.

On June 22, 2018 DFPS, investigative worker trainee, Alejandro Reyna contacted Tara Jennings by phone. Ms. Jennings was very erratic in her speech. She did not want to provide Mr. Reyna with much information. She eventually was able to give Mr. Reyna an address. She stated that she lived at 6009 Rocky Road, Fort Worth, Texas. Mr. Reyna was not able to validate this address and could not locate the address on a map. Ms. Jennings did not answer the phone in Mr. Reyna tried to call her back about the address.

On June 29, 2018, DFPS caseworker Latandra Taylor-Brown met face to face with daycare worker Yniska Lemon at Cyfair Kids Academy. Ms. Lemon is the Assistant Director of the daycare. Ms. Lemon stated Skylar came to the daycare for two days prior to June 29, 2018. She stated that Ms. Jennings is homeless. She stated that Skylar told her that she and her mother have been sleeping in the emergency room at hospitals, a car, and different motels. She that Ms. Jennings will not tell you anything. She then stated that Ms. Jennings and Skylar stayed at her home on a Tuesday and Wednesday night. She stated that Skylar told her that they were kicked out of motels because her mother started arguments with people. She stated she called law enforcement because Ms. Jennings was cursing and saying she was going to get the daycare down, because she was starting trouble with another parent. She stated that she spoke to Ms. Jennings about her behavior. She stated Ms. Jennings knows that Dennis has not been at the daycare since March. She stated she has been bringing Skylar to the daycare even though she has not paid. She stated that she allows Skylar to come to the daycare, because she rather her be safe at the daycare. She stated that Ms. Jennings behavior has changed drastically. She stated Ms. Jennings has gone through a divorce, and it was final from her son's father in March. She stated she is not sure if Ms. Jennings is on illegal drugs, but her behavior shows it. She stated that her behavior is irrational, cries out of the blue, falls asleep, while sleeping in the car. She stated that Ms. Jennings would come to the daycare to drop Dennis off but would not leave him. She stated she has not seen Dennis since the third week of March. She stated she is not sure if Dennis is with his father or not. She stated in that in that April 2018 that Sylar had a gash on her forehead, but never told Ms. Lemon what happened. She stated Sklyar recently told her, her mother tried to bite her head. She stated Skylarr was begging for help, and asking not to go to her mother. She provided the worker with Mr. Jennings's phone number.

I then contacted Dennis Jennings Sr., Dennis Jr., father by telephone at 662-433-3408, to verify Dennis Jr. was still with his mother, and to see if he knew where Skylarr and Ms. Jennings were located. Mr. Jennings stated that his son, Dennis is in the care of his mother (paternal grandmother), in Mississippi. He stated that Ms. Jennings has been asking for him to bring Dennis to the daycare. He stated in April, Ms. Jennings had Skylar and Dennis in the car with her and ran into a ditch. He stated he was contacted by law enforcement in

Selena, Kansas, and was told that he was told he had till 2:30 p.m., to get to his son. He stated the judge told him he would hold him in protective custody, till he got there. He stated Ms. Jennings is diagnosed with bipolar disorder or schizophrenia. He then stated the judge released his son to him. He stated was supposed be held in a facility in Fort Worth, in which she and Skylar was to be residing with. He stated he spoke to Ms. Jennings's sister, Pam Sing Partner (He stated his is with his mother, Joyce Jennings, whom can be reached at. He stated Ms. Partner told him that Ms. Jennings with Ms. Partner told him that she returned to Fort Worth, and told that she could not stay there, but Skylar could. He stated Ms. Jennings took her brother's truck and left. He stated when he gets off from work he will forward me the court order. He stated law enforcement and child protective custody, came to his mother's home in Mississippi and his mother's home, to verify he was there, and checked out his mother's home.

On July 3, 2018 I received a text message from Ms. Lemon, informing me that Ms. Jennings and Skylaar were at her residence and were still asleep. I then informed her that I was on my way to her residence. She then provided me her address. Investigative trainee worker, Alejandro Reyna and I arrived at from 17814 Gelnmark Dr., Katy, Texas to remove Skylar Jean. We arrived with Harris County Sheriff's Deputy Officer J. Rojas.. Both Officer Rojas and I knocked on the door. After some time, Ms. Jennings answered the door, and she was informed that we would be taking Skylarr into custody. She immediately resisted and told us that we were not taking her child. She became extremely erratic and aggressive in her demeanor. The officer attempted to calm her down, but she aggressively insisted that we would not be taking her child. Skylarr then came to the door. She began to say her mother was lying and she was not okay. Skylarr was trying to get out from behind her mother to go with us. Ms. Jennings began to tell Skylarr to sit her butt down, and that she was going to go to foster care. Skylarr continued to try to leave with us. The Deputy got on the radio for assistance in which an additional 6 to 8 deputies arrived on scene to assist. After numerous attempts to try to explain to Ms. Jennings that we were acting on an emergency removal, Ms. Jennings still did not want to cooperate. Several deputies were able to surround her causing a shield with themselves and allowing the child to move out the front door behind the officers. Ms. Taylor-Brown was able to secure the child in her vehicle. She was then escorted to vehicle by law enforcement. Mr. Reyna stayed behind in an attempt to grab the child's bag and clothes for the child. Ms. Jennings would not allow the Deputies or Mr. Reyna to take any clothes or belongings for the child. The deputies told us not to engage with Ms. Jennings or try to give her any paperwork due to her behavior. Ms. Jennings would not speak to DFPS or to law enforcement. A deputy in a patrol car escorted

us and the child and followed us behind our vehicle for a mile to ensure our safety as we left the area.

I then spoke with Skylarr at the DFPS office. She stated the last school was Purung in Mesquite, Texas during the month of May. She stated she was residing in the home with her maternal aunt, Pamela Sing. She stated she is unaware of whom her father is. She stated she has heard her mother mention Postiquo Jean, which she has seen on her mother's phone contacts. She stated she has also heard her mother say that her father pays child support for her. She stated her aunt did not have custody of her, she had to go with her mother. She stated she and her mother were residing in the home with her uncle Patrick Sing in May after school was out. She then stated her mother was calling everyone names, and causing trouble, so her aunt Eva (her uncle's wife) asked her to leave the home. She stated her aunt Eva called law enforcement, trying to keep her at the house. She stated law enforcement told her that her mother did not want her to stay in the home with her uncle and aunt, so she would have to go with her mother. Skylarr stated she does not know where she is residing. She stated her mother does not have an apartment. She then stated she and her mother stay in hotel and sometimes the car. She stated she is afraid of her mother because she does bad things to her. She stated her mother squeezes and pinches her foot.

She stated that her mother also insults her. She stated her mother threatens that she will go to jail and be placed in foster care, when she tells her if she does not stop hitting her she will call 911. She stated her mother bit her head, and was trying to hide it with a bandana. She stated her school was asked her what happened and she told them she fell on the concrete, because that is what her mother told her to say. She then stated she was afraid of her mother, which is why she said what her mother told her to say. She stated her mother put her hand around her throat and she was throwing up blood, and then that is when her mother bit her head. She stated her mother did the same thing to her brother, by putting her hands around his throat. She stated her brother threw-up and she then put a pillow over his head, to prevent him from breathing. She stated her mother told her if her children's dies, she can just go to the hospital and make-up an excuse. She stated her mother was doing these things because she thought someone was inside of them. She stated she told her mother stopped five minutes after she asked her to stop. She stated law enforcement has never been to her home.

She stated law enforcement came to the home of Ms. Yai Yai on Monday, where she and her mother were staying, to find out if she was okay. She stated Ms. Yai Yai snuck her out of the home, to speak to law enforcement. She stated she told law enforcement what her

mother did to her, and she was told DFPS would be coming. She stated there are not any guns or weapons in the home. She stated she does not have any pets. She stated there is no domestic violence in her home. She then stated that her mother starts fights sometimes when they go places. She is unaware of what drugs are. She was also unaware of what beer or alcohol. She is aware of what smoking is, and denies anyone in the home smokes. She stated she has enough food to eat, a bed to sleep in, bathe, and brushes her teeth daily. She stated she has slept in the car five times with her mother, five consecutive days. She denies sexual abuse, if so would tell her mother. She stated her mother if supposed to take medication to keep her from crazy. She stated her mother has not been taking the medication. She stated she feels safe and does not want to go back with her mother, because she scares her. She stated her mother talks to herself, and says someone is going to hell and she is the Northern Star. She did not have any questions for the worker.

Investigative worker trainee, Alejandro Reyna then contacted Patrick Gills, maternal uncle of Skylarr Jean, by telephone. Mr. Patrick Gill's stated his date of birth is 04-11-1971, and his social security number is XXX-XX-XX20. He stated that he, his 20 year old daughter, Nzinga Gills whose date of birth is 10-28-1997, his wife Eva Anderson whose birthday is 8-10-1965. He stated that he has been married for a year, but they have been together for about 5 years. He stated that he was born in Mississippi and was raised in Texas. He was raised by his mother and step father, and was not abused or neglected as a child. He stated that he has one small dog. He stated that he does not have a history of mental or medical health. He stated that he is currently employed at Arigold Electric and Construction Incorporated as the owner since 2003. He stated that he does not receive government assistance. He stated that his highest level of education is high school with some trade school for electrical. He stated that he does have 2 shot guns and 3 hunting rifles in the house. The weapons are located in a safe in the living room locked away He stated there were no minor children living in his home. He stated that he has never been arrested. He stated that the police have been to his house because he called them on Tara on July 1, 2018 to prevent Skylarr from going with her. He stated that prior to calling the police, he called DFPS and spoke with Adrienne Spraberry, a supervisor with the Drug Endangered Children Unit. He stated there is no domestic violence or drug use in the home. He stated that Skylarr will have her own bedroom if she were to be placed with him. He stated that his has a 3 bedroom/2 full bathroom house. He stated there is a pool in the back, but it is gated.

He stated that he filed a mental health warrant on Ms Jennings. He stated that he believes his sister is diagnosed with bipolar disorder. He stated that Ms Jennings was supposed to

visit on April 12, but never showed up. He stated that apparently Ms Jennings had an accident in Kansas.

He stated that he was worried because she did not know why she was in Kansas in the first place. He stated that she was hallucinating and saying that was "was the star". He stated that before April, when he spoke to her she would be "talking out of her head" and snap back to reality. He stated that she was in the hospital and left Against Medical Advice. He stated that while she was in the hospital, she almost got arrested again for being disruptive. He stated that he has clothes for both Skylarr and Tara at his residence.

He then made telephone Contact with Eva Anderson, maternal aunt-in-law of Skylarr Jean. She stated her full name is Eva Linda Anderson, her DOB is 8/10/1965 and her SSN is 232-21-1923. She stated that she was born in West Virginia and has lived in Texas since 1991. She stated that she was raised by both parents and was not abused or neglected as a child. She stated that her highest level of education is a Bachelors in nursing working towards a Masters. She stated that she, Patrick and Nzinga live in the household. She stated that there are no minor children in the house. She stated that she is not afraid of anyone in the house. She stated that no one in the house abuses drugs or alcohol. She stated that she is currently employed at Methodist South Lake Hospital for a year. She stated that she was previously employed at Texas Health for 20 years. She stated that she does not receive any government assistance. She stated that she does not have a criminal or DFPS history. She stated she does not have a history or medical or mental health.

I was then instructed to meet Mr. Gills with Skylarr in College Station, for placement.

Child Protective Services History

On April 21, 2018, DFPS received a referral through Statewide Intake. The report alleged neglectful supervision of Dennis Jennings Jr. and Skylarr Jean by their mother Tara Jennings. Skylarr was released into the care of maternal aunt and they returned to Mesquite, Texas because her father could not be located. Ms. Jennings refused to cooperate with DFPS in agreeing to a parental child safety placement or power of attorney for her daughter who is in Texas. Ms. Jennings does not have stable housing, employment, or income to support herself or the children. Skylarr was not found in Harris County at the time of the intake. The case disposition was reason to believe.

Criminal History

Tara Jennings, mother, has no criminal history.

Available Relative Placements

Skylarr Jean is currently in the care of maternal uncle, Patrick Gills, who is willing to provide long-term care.

Conclusion and Requested Relief

Based on the forgoing, DFPS is requesting to be named emergency temporary managing conservator of Skylarr Jean.



LaTandra Brown-Taylor

SIGNED under oath before me on the 5th day of July, 2018.


Notary Public in and for the State of Texas

My commission expires: _____

**THIS PAGE WITH ORIGINAL SIGNATURES AND NOTARY STAMP
IS MAINTAINED IN THE PETITIONER / MOVANT'S LEGAL FILE**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this August 8, 2018

Certified Document Number: 80656039 Total Pages: 23

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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